

NORTH SHORE NOW

Customers, former employees and the Green Bay Packers allegedly scammed and owed money by Menomonee Falls-based Window Select

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Hundreds of customers say they've been scammed after purchasing windows and doors from Window Select for work that was never completed.

Also, former employees at the Menomonee Falls-based company say they've been shortchanged out of commissions and other benefits. And the Green Bay Packers have been caught up in what some say is an elaborate scam involving a national financial institution to bilk people out of tens of thousands of dollars.

Local law enforcement, a key state consumer protection agency and the Better Business Bureau are all looking into the mountain of complaints against the 3-year-old company.

Brandon Luterbach gave Window Select owner Justin Kiswardy \$20,000 in cash to put new windows on his Sussex home in December.

He never received them and doesn't believe the windows were ever ordered. When Luterbach asked for his money back on April 25, Kiswardy said he'd give them a check. They haven't received anything yet.

"He said he'd already purchased materials, but there's zero evidence," Luterbach said.

"We're getting the run-around. It's a web of deceit and lies."

'We admit mistakes were made'

Kiswardy said he knows his customers are frustrated.

"We admit mistakes were made," Kiswardy wrote in an email to the Milwaukee Journal Sentinel. "We accept full responsibility. We are working to resolve the situation as quickly as possible."

Kiswardy started Window Select in 2019. Since then, the company has received hundreds of complaints alleging customers have paid for windows and doors that have never been installed.

Hundreds of complaints filed

Brown County Sheriff's Deputy Marc Shield has been bombarded with phone calls from angry customers. He's teamed up with the Menomonee Falls Police Department in an ongoing investigation against Window Select, which has locations in Menomonee Falls and Appleton.

The Wisconsin Department of Agriculture, Trade and Consumer Protection has received 115 customer complaints and is investigating the company.

The Better Business Bureau received 77 complaints about Window Select in the past three years, with 66 of those complaints filed in the last 12 months.

The bureau noticed a pattern of complaints from customers in February 2021 being asked to sign documents confirming work had been completed, when in some cases, it hadn't started or even been scheduled.

This was apparently done so the funds could be released to Window Select, according to a statement on the company's website.

Finance company also under fire

Some customers told the bureau they had been making payments to a third-party finance company for projects that hadn't started or, in some cases, didn't even have a start date.

Kiswardy let customers know the money would be coming out of their account through the finance company GreenSky LLC.

Meanwhile, the federal Consumer Financial Protection Bureau was investigating GreenSky LLC. The federal agency found GreenSky was enabling contractors and other merchants to take out loans on behalf of thousands of consumers who did not request or authorize them.

The consumer bureau issued a consent order in July 2021 against GreenSky requiring the company to refund or cancel up to \$9 million in loans for customers harmed by its illegal conduct, pay a \$2.5 million civil penalty and implement new procedures to prevent future fraudulent loans.

Window Select addressed the issue on Sept. 1 in a statement to the Better Business Bureau:

"If customers choose to use this business (or any other company) for financing, they enter into a separate contract with the financier. Window Select is not a party to that agreement. Window Select is unable to provide information about communications between this business and those for whom it provides financing."

When asked by the Journal Sentinel to explain more about his relationship with GreenSky and how he was using the company, Kiswardy did not respond.

'There's an illusion of wealth'

Records show that Kiswardy had prior legal problems before moving to Wisconsin and starting the windows company.

Kiswardy was charged with aggravated theft and forgery in Ohio, according to court records there. In 2009, Kiswardy pleaded guilty to one count of third-degree felony aggravated theft and one count of fifth-degree felony forgery, according to court documents. He was accused of making more than \$200,000 in deposits into his University of Pittsburgh account from closed checking accounts.

He was sentenced in 2010 to three years in the Ohio Department of Rehabilitation and Correction and five years' community control, and ordered to pay restitution of nearly \$60,000.

Kiswardy spent less than three months in prison before being released to Adult Parole Authority, according to Wood County Records in Ohio. The county dismissed the requirement for restitution, and it was never paid.

Kiswardy opened Window Select after leaving another window company, Universal Windows Direct, which was based in Ohio. It had a West Allis location that closed in 2017.

Kiswardy has told some former employees and customers that he left Universal Windows Direct with a "substantial" severance package after growing the company. Universal would not confirm this, only when Kiswardy left that company.

Kiswardy left Universal Windows Direct in 2019 after working there since 2012, according to his LinkedIn. He opened Window Select that same year, according to state records.

One of his first hires was River Eastwood, who was in charge of marketing plans —billboards, TV ads and digital advertising. After working with hundreds of small businesses as a marketing consultant over the past eight years, Eastwood said working at Window Select was different.

Eastwood said he thought he was working for someone who had "boatloads of money."

"There's an illusion of wealth, that money will never be an issue for him (Kiswardy)," Eastwood said. "That's important, because customers might ask, 'How did they not see what was going on?' Why would he not pay his bills?"

When sales representative Brandon Epley took a job with Window Select, he said everything sounded perfect.

After all, Kiswardy was purchasing a home in May in Burlington that's worth more than \$2 million, according to federal records.

But despite the home purchase, employees' perception of Kiswardy's wealth started to change last fall when he started getting calls from manufacturers and contractors who weren't getting paid.

"I started to get emails, one after the other," Eastwood said. "I knew the amount of these bills, and I was like, 'What's going on, why is he just blowing these off?'"

Kiswardy now owes \$12,748 in back property taxes on that Burlington home, according to Racine County tax records.

Employee says he's owed commissions

Meanwhile, Epley had been working for Window Select for months and said he still hadn't received any commission for his sales. He said he was missing out on potentially thousands of dollars.

More red flags appeared when Eastwood took a look at his 401(k) account and noticed that he wasn't getting paid what he was owed. He told the Journal Sentinel that he filed a report with the U.S. Department of Labor.

After confronting Kiswardy about the unpaid bills, Eastwood quit his job at Window Select in January 2022, saying he felt unsafe.

The U.S. Department of Labor does not comment on open investigations.

Unpaid invoices to Green Bay Packers, others

On April 25, Window Select was served an eviction notice for its office and warehouse space at N94 W14330 Garwin Mace Drive, Menomonee Falls, according to Waukesha County court records.

Records show the company owes more than \$20,000 in back rent.

Beginning in July 2020, Window Select partnered with the Green Bay Packers, offering various promotional items, including free Packers tickets in exchange for getting a home estimate from Window Select.

Invoices obtained by the Journal Sentinel show past due invoices sent by the Packers to Kiswardy for more than \$50,000. Kiswardy would not answer questions related to the Packers deal.

The Packers declined to answer specific questions regarding outstanding bills with Window Select.

"The Green Bay Packers recently terminated their sponsorship agreement with Window Select," spokesman Aaron Popkey said in a statement.

One of Window Selects' window manufacturers, Climate Solutions Window & Doors, was so frustrated by the company's behavior, it posted a negative review on Google.

"Window Select is informing customers the delay in their orders is due to manufacturing issues. This is simply not true. There are many orders that have been completed but not been released due to unpaid invoices by Window Select," Climate's Chief Operating Officer Eric Shaughnessy wrote in the review.

Shaughnessy told the Journal Sentinel that Window Select hasn't been late on a payment since he posted that Google review. The review has since been taken down.

The company's former marketing firm, Affirm Marketing, previously known as Staples, filed a suit against Window Select in March for failing to pay for over \$20,000 worth of

advertising services provided in the fall and winter of 2021, according to Waukesha County court records.

Affirm's president, Danny Mager, said that in more than 20 years of running an agency, he has never had a client fail to pay.

"You'd think there's nothing more that surprises you, but this was a surprise," Mager said. "It's sad that we're involved in this."

In response to the lawsuit, Kiswardy wrote that he's "continuing to work through the process of getting Staples Marketing/Affirm paid in full."

Window Select is still operating, business as usual. On April 22, staff were setting up at the Kenosha Home & Pet Expo for the weekend expo.

Kiswardy was contacted multiple times by the Journal Sentinel. On April 26, he asked for more time to answer questions sent to him in writing and suggested an in-person meeting.

"I would greatly appreciate the opportunity to share with you factual information/paperwork discrediting it," Kiswardy wrote. "As you can imagine this has had a tremendous negative impact on our company, our employees, and our customers."

The Journal Sentinel offered Kiswardy several dates and times, but he stopped responding.

Resources

Those interested can file a report on Window Select with their local police. To specifically reach Brown County Sgt. Marc Shield, send email to marc.shield@browncountywi.gov.

As a consumer, you can request a lien waiver from Window Select, a document acknowledging the manufacturer or contractor received payment, as required by Wisconsin state law. For more information on how to request a lien waiver, visit www.datcp.wi.gov.

Viewers can also visit the Wisconsin Department of Agriculture, Trade and Consumer Protection's website for resources or to file a complaint at www.datcp.wi.gov.

Additionally, to file a report with the Better Business Bureau or to access additional information, visit www.bbb.org.

Employees with questions about their specific benefits should contact the U.S. Department of Labor's Employee Benefits Security Administration at 866-444-3272 or online at

www.askebsa.dol.gov.

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